UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,527	02/26/2004	Isaac Samuel		6452

7590   05/18/2006

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER
HANNIF ALI, LARRY

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/787,527	SAMUEL, ISAAC
	Examiner	Art Unit	
	Larry Hannif-Ali	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *09 February 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-2 and 4-13* is/are rejected. ·

7) ☐ Claim(s) *3* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *26 February 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is in response to amendment filed 02-09-2006. Accordingly, **Claims 1-13** are pending for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1, 4, 8-11,** and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCloghrie (U.S. Patent No. 6,920,112 B1) in view of Bergenlid (U.S. Pub. No. 2003/0156584 A1).

Regarding **Claim 1**. McCloghrie teaches a processor configured to handle traffic and to record measurement data [Col 2, lines 39-41 & Col 5, lines 42-44], the processor being configured to detect processor load and to automatically adjust the rate of recordal of measurements dependent on detected processor load so as to keep the processor load within predetermined limits [Col 2, lines 46-53 & Col 5, lines 42-54]. However, McCloghrie fails to specifically teach the processor at a wireless telecommunications network node, the processor handling call traffic, and the measurement records being event records that include call events. The examiner considers that the claimed limitation was well known in the art as taught by Bergenlid.

In an analogous art, Bergenlid discloses processing different size packet headers for a packet-based conversational service in a mobile communication system wherein

the processor at a wireless telecommunications network node, the processor handling call traffic, and the measurement records being event records that include call events [paragraph 0044, lines 16-26 & paragraph 0045].

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the system of McCloghrie in the wireless communication network node handling speech packets as taught by Bergenlid, in order to keep the processor from becoming overloaded when call traffic is high and from wasting bandwidth when call traffic is low.

Regarding **Claim 4**. The combination of McCloghrie and Bergenlid further teaches in which the processor comprises a statistics controller, the statistics controller acting to selectively adjust dependent on detected processor load which of a variety of possible statistics are collected, the statistics being collected from analysis of the measurement records [McCloghrie: Col 2, lines 49-53 & Col 5, lines 42-51 (adaptive sampling controller) & Bergenlid: paragraph 0044, lines 16-26].

Regarding **Claim 8**. The combination of McCloghrie and Bergenlid further teaches comprising an outlet port for transfer or measurement records to a remote network node [McCloghrie: Col 5, lines 62-65 & Bergenlid: paragraph 0045, lines 1-5].

Regarding **Claim 9**. The combination of McCloghrie and Bergenlid further teaches a controller configured to control at least one base station for wireless telecommunications to mobile user terminals [Bergenlid: paragraph 0037].

Regarding **Claim 10**. The combination of McCloghrie and Bergenlid further teaches a radio network controller [Bergenlid: paragraph 0037].

Regarding **Claim 11**. The combination of McCloghrie and Bergenlid further teaches a radio network controller of a Universal Mobile Telecommunications System (UMTS) wireless telecommunications network [Bergenlid: paragraph 0037].

Regarding **Claim 13**. McCloghrie teaches a method of controlling processor load in wireless telecommunications network node comprising: a processor, the processor handling traffic and recording the measurement data [Col 2, lines 39-41 & Col 5, lines 42-44], the processor detecting processor load and automatically adjusting the rate of recordal of measurement data dependent on detected processor load so as to keep the processor load within predetermined limits [Col 2, lines 46-53 & Col 5, lines 42-54]. However, McCloghrie fails to specifically teach the processor at a wireless telecommunications network node, the processor handling call traffic, and the measurement records being event records that include call events. The examiner considers that the claimed limitation was well known in the art as taught by Bergenlid.

In an analogous art, Bergenlid discloses processing different size packet headers for a packet-based conversational service in a mobile communication system wherein the processor at a wireless telecommunications network node, the processor handling call traffic, and the measurement records being event records that include call events [paragraph 0044, lines 16-26 & paragraph 0045].

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the system of McCloghrie in the wireless communication network node handling speech packets as taught by Bergenlid, in order to keep the processor from becoming overloaded when call traffic is high and from wasting bandwidth when call traffic is low.

4.   **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over McCloghrie (U.S. Patent No. 6,920,112 B1) in view of Bergenlid (U.S. Pub. No. 2003/0156584 A1) and further in view of Jannette (U.S. Pub. No. 2002/0160811 A1).

Regarding **Claim 2**. The combination of McCloghrie and Bergenlid teaches everything as applied above in Claim 1, including a processor load detector [McCloghrie: Col 2, lines 49-53 (inherently, load detection means will be incorporated to detect overload conditions) & Col 5, lines 42-57]. However, the combination fails to specifically teach a

variable filter, the filter acting to discard a proportion of the measurement reports received. The examiner considers that the claimed limitation was well known in the art as taught by Jannette.

In an analogous art, Jannette discloses a system and method for controlling communication between a mobile device and a network server including a variable filter, the filter acting to discard a proportion of the measurement reports received [paragraphs 0032, 0041, 0042, 0044].

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of McCloghrie and Bergenlid, the filtering of packets to prevent congestion as taught by Jannette in order to prevent the processor from becoming overloaded.

5.   **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over McCloghrie (U.S. Patent No. 6,920,112 B1) in view of Bergenlid (U.S. Pub. No. 2003/0156584 A1) and further in view of Sauter (U.S. Pub. No. 2004/0209623 A1).

Regarding **Claim 5**. The combination of McCloghrie and Bergenlid teaches everything as applied above in Claim 4, including in which the number of statistics collected is increased and decreased with processor loading. However, the combination fails to specifically teach processor load going below a first threshold and going above a second threshold. The examiner considers that the claimed limitation was well known in the art as taught by Sauter.

In an analogous art, Sauter discloses a method of controlling access to a mobile network in which the processor load going below a first threshold and going above a second threshold, the second threshold being higher than the first threshold [paragraph 0025].

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the combination of McCloghrie and Bergenlid, the first and second thresholds of Sauter in order specific values that will maximize network resources.

6.   **Claims 6-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCloghrie (U.S. Patent No. 6,920,112 B1) in view of Bergenlid (U.S. Pub. No. 2003/0156584 A1) and further in view of Ida (U.S. 2002/0082036 A1).

Regarding **Claim 6**. The combination of McCloghrie and Bergenlid teaches everything as applied above in Claim 1, including the measurement records are event records each comprising an indication of a call event experienced by the mobile user terminal. However, the combination fails to specifically teach measurement of radio conditions experienced by the mobile user terminal. The examiner considers that the claimed limitation was well known in the art as taught by Ida.

In an analogous art, Ida discloses a method for controlling transmission power in a mobile communication system including measurement of radio conditions experienced by the mobile user terminal [paragraph 0057 (received field strength reported to base transceiver station)].

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the combination of McCloghrie and Bergenlid, the reported measurement of radio conditions experienced by the mobile user terminal in order to have another statistic upon which the processor load may be varied.

Regarding **Claim 7**. The combination of McCloghrie, Bergenlid, and Ida further teaches in which the measurement records also comprise data of geographical location of the mobile user terminal [Ida: paragraph 0057 (location information reported to base transceiver station)].

7.   **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over McCloghrie (U.S. Patent No. 6,920,112 B1) in view of Bergenlid (U.S. Pub. No. 2003/0156584 A1) and further in view of Powers (U.S. Patent No. 6,832,086 B1).

Regarding **Claim 12**. McCloghrie teaches a processor configured to handle traffic and
to record measurement data [Col 2, lines 39-41 & Col 5, lines 42-44], the processor
being configured to detect processor load and to automatically adjust the rate of
recordal of measurements dependent on detected processor load so as to keep the
processor load within predetermined limits [Col 2, lines 46-53 & Col 5, lines 42-54].
However, McCloghrie fails to specifically teach the processor at a wireless
telecommunications network comprising, a radio network controller, and a plurality of
base stations under the control of the radio network controller and configured for
wireless telecommunications with mobile user terminals, the processor handling call
traffic, and the measurement records being event records that include call events. The
examiner considers that the claimed limitation was well known in the art as taught by
Bergenlid.

In an analogous art, Bergenlid discloses processing different size packet headers
for a packet-based conversational service in a mobile communication system the
processor at a wireless telecommunications network comprising, a radio network
controller, and a plurality of base stations under the control of the radio network
controller and configured for wireless telecommunications with mobile user terminals,
the processor handling call traffic, and the measurement records being event records
that include call events [paragraph 0037 & paragraph 0044, lines 16-26 & paragraph
0045].

Therefore, it would have been obvious to one of ordinary skill in the art, at the
time the invention was made, to implement the system of McCloghrie in the wireless
communication network node handling speech packets as taught by Bergenlid, in order
to keep the processor from becoming overloaded when call traffic is high and from
wasting bandwidth when call traffic is low.

The combination of McCloghrie teaches everything as applied above. However,
the combination fails to specifically teach an operations and maintenance center. The
examiner considers that the claimed limitation was well known in the art as taught by
Powers.

In an analogous art, Powers discloses a method and apparatus for managing network functionality including an operations and maintenance center [Col 5, lines].

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the system of McCloghrie and Bergenlid to include the operations and maintenance center of Powers in order to have a system manager controlling the network node.

Allowable Subject Matter

8.   **Claim 3** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **Claim 3**. The prior art of record does not disclose or suggest in which on start up the processor load is allowed to increase to beyond a first threshold whereupon the rate of recordal of measurements is reduced in successive steps until the processor load falls below a second threshold whereupon the rate of recordal of measurements is increased in successive steps, the first threshold being higher than the second threshold.

Response to Arguments

9.   Applicant's arguments with respect to **Claims 1-13** have been considered but are moot in view of the new ground(s) of rejection.
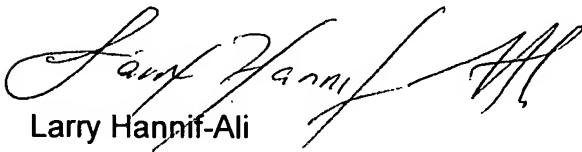
Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry Hannif-Ali whose telephone number is 571-272-5598. The examiner can normally be reached on Mon-Fri 9:00AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Larry Hannif-Ali

May 4, 2006

LESTER G. KINCAID
SUPERVISOR PRIMARY EXAMINER